

**U.S. Pat. App. Ser. No. 09/623,288
Kenyon & Kenyon Attorney Docket No. 10396/46201
(Fenster & Co. Docket No. 082/01675)**

REMARKS/RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement, applicants provisionally elect (with traverse) the claims of Group I (claims 1 to 20, 63 to 65, 77 and 78) for further prosecution, but also request reconsideration of the restriction based on the following.

As an initial matter, the elected group, Group I, should also include claims 21 to 26, as they depend from claim 1.

To facilitate matters and/or to obviate the restriction requirement, claims 1, 8 to 17, 19, 27 to 29 and 35 have been rewritten or corrected. Any amendments to the claims do not add new matter and are supported in the specification. Claims 38 to 83 have been canceled, without prejudice. Therefore, claims 1 to 37 are currently pending, of which claims 1, 27 and 29 are independent.

To facilitate matters, independent claim 1 has been rewritten to provide that each of the first, second and third paths include a bone path and a soft tissue path. Claim 1 has also been rewritten to recite that the acoustic velocity in bone is determined based on a solution to a set of simultaneous equations that define relationships between the acoustic velocity in bone and the travel times.

Claims 8 to 11 have been rewritten to delete redundant text.

In claims 12 to 17, the term "parts" has been replaced with the term "paths," so as to address or correct any informalities.

Claim 19 has been rewritten to provide that the set of equations defines a relationship between the fourth travel time and the velocity in bone.

Independent claim 27 has been rewritten to provide that the term "tissue velocity" refers to an "acoustic tissue velocity" and to replace the term "the surface of" with "a region in". It is submitted that these changes clarify that the ultrasonic waves travel in bone. Additionally, claim 27 has been rewritten to provide the step of "defining relationships between the remaining unknowns by a set of simultaneous equations that are dependent on the travel times and the assumed value".

Independent claim 29 has been rewritten to remove the feature "the ultrasonic elements are not all collinear" and to provide that the controller derives the bone velocity based on a solution of a set of simultaneous equations that define relationships between the

acoustic velocity in the bone and the relative travel times.

Claim 35 has been rewritten to provide that the term "surface" in the third line of the claim refers to a surface of the probe.

It is respectfully submitted that since all of the independent claims 1, 27 and 29 recite the "special technical feature" of deriving an acoustic velocity based on a set of simultaneous equations, each of these claims, as well as their respective dependent claims, share a technical feature that defines a contribution which each of the claims considered as a whole makes over the prior art and therefore obviate any restriction requirements (and satisfy the unity of invention requirements under PCT Rule 13). A similar claim set as been found to meet the unity of invention requirements and allowed by the European Patent Office in the corresponding European patent application.

It is therefore respectfully submitted that the claims as now presented obviate the restriction requirement, and that claims 1 to 37 are examinable together and are allowable.

All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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